

# Guidance for Land Use Activities within DNR-Administered Ecological Reference Areas

## Purpose and Scope

The purpose of this document is to provide management guidance regarding acceptable land use activities on DNR-administered Ecological Reference Areas (ERAs). This Information Circular applies to all DNR State Forest lands, and some other DNR administered lands (State Parks and Recreation Areas, and State Game and Wildlife Areas) where appropriate protections are in place. It covers both existing and new activities. More specifically, it is intended for use in DNR operational and planning processes, both at the regional level (Regional State Forest Management Plans) where it will enable consistency in application across ecoregions, and at the unit level (FRD Compartment Review Process, State Park Management Planning, and State Game and Wildlife Area Master Planning Process).

An ERA identifies a geographic area on the landscape where there is an emphasis on biodiversity conservation achieved through restoring and/or maintaining native natural communities. Within a specific ERA boundary, the emphasis is on natural communities that have been identified for their contribution to a network of representative natural communities or occasionally groups of associated natural communities.

The portions of ERAs that occur on DNR-administered land will emphasize biodiversity conservation within a high-quality natural community framework. Uses that promote or do not impact or detract from biodiversity conservation are acceptable.

ERAs may include land that has also been designated and is administered for another purpose under state or federal statutes, such as state or Federal wilderness and natural areas, or natural and wild and scenic rivers. Where this occurs, those other designated lands will be managed to comply with the requirements of the applicable statute. Management will otherwise be in accordance with this document, the "General Principles of Management for ERAs", and as described in plans developed for ERAs.

The DNR Resource Bureau Management Team is the approval authority for this multi-divisional guidance document.

## Guidance

Public land management must balance multiple and frequently competing values. Each ERA is unique and its particular circumstances and management objectives should be considered within the high-quality natural community framework, subject to existing land uses and activities (including recreational uses), contracts and leases, easements, land acquisition and management funding sources, deed and other restrictions.

There are restrictions on the use of land purchased with certain funds that require the land to be used for the purpose that was intended at the time it was acquired. Thus, for clarification, those lands will be managed for the purpose for which they were purchased and any consideration of inclusion of those properties within ERAs must first include analysis of compatibility of ERA designation with the purpose for which the land was acquired and if it is determined that biodiversity conservation is compatible with the intended purpose, it may be accomplished on those lands that fall within an ERA.<sup>1</sup> Similarly, constraints based upon funding agreements

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<sup>1</sup> For example, although all lands owned and administered by the Department are managed in accordance with the Department's mission statement, some of these lands must be managed for a specific subset of our mission based on the funds used to acquire and manage these

and/or deed restrictions apply to DNR lands, for example lands with recreation infrastructure developed with MNRTF.

Management guidance for the identified natural communities within ERAs should be referenced in DNR strategic and operational planning processes, including site-specific ERA plans, plans for Dedicated Management Areas, Regional State Forest Management Plans, State Park Management Plans, and State Game and Wildlife Area Master Plans. Planned ERA management should be incorporated in such plans when they are updated.

Historical or existing land uses (including existing rights of way for roads and utilities) already in place will continue and “new” uses may be allowed if they will not detract from the ability to achieve desired future condition of the identified natural community for the ERA. Acceptable land use activity types and frequency will not be the same for all ERAs. Larger ERAs (thousands of acres in size), may often withstand more land use activities without compromising or measurably reducing their integrity; whereas smaller areas may not accommodate the same level of land use, or may not be able to accommodate any at all. For example, dispersed rustic campsites, a utility right-of-way, or paved road in a 10,000 acre ERA likely does not significantly impact the integrity of the ERA. Furthermore, there are likely to be more existing uses in a larger ERA than in a much smaller one.

The following guidelines provide context for reviewing land use activities within DNR-administered portions of ERAs:

1. The Department is obligated to recognize all existing legal mandates, contracts, leases, easements, deed and other legal restrictions in the management of ERAs. As existing contracts expire, those activities deemed to be incompatible with achieving the desired future condition of the ERA will be modified or terminated. Restoration of the sites shall be directed, to the extent allowable under the contracts, to achieve the desired future conditions. Activities which enhance progression toward or maintenance of a high quality natural community will be encouraged.

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lands. There are more than 900,000 acres of lands acquired with fees derived from the sale of fishing and hunting licenses and federal funds administered by the U.S. Fish and Wildlife Service (USFWS) from the Pittman-Robertson Wildlife Restoration Act (PR) and the Dingell-Johnson Sport Fish Restoration Act (DJ). The uses of these funds are governed by state and federal laws and come with use restrictions with compliance oversight jointly by the Department and USFWS. Dedicated State Game and Wildlife Areas account for approximately 400,000 acres of the public land base. The primary, mandated purpose of State Game and Wildlife Area management is wildlife habitat restoration, conservation, and protection. Other uses, such as general outdoor recreation may occur only when such uses do not conflict with that primary objective of wildlife management and wildlife-related recreation.

In order to be eligible for federal assistance under the PR, and later DJ, Acts Michigan had to enact a law protecting funds derived from the sale of hunting and fishing licenses. Commonly referred to as “Assent Legislation,” the requirement for this state law is established in the Code of Federal Regulations (CFR) where the state is required to ensure a prohibition against the diversion of license fees paid by hunters and fishermen to purposes other than the administration of the fish and wildlife agency. In essence, the primary purpose of wildlife management and wildlife-related recreation activities is also applied to the Department's game and fish-purchased properties across the state.

2. Current public uses of DNR lands in ERAs may continue per existing administering requirements. Modification or review of these uses will present opportunities to align those activities more fully, if needed, as acceptable land use activities.
3. The evaluation of acceptable land use activities within DNR-administered ERAs will be accomplished using the following criteria: Severity, Scope, and Irreversibility. Requests for new leases, contracts, and permits for new activities (timber and mineral management, recreation leases, etc.) will be considered under the Criteria for Evaluation of the Acceptability of Current and Future Land Use Activities (Table 1). Future activities will be modified to the extent needed to comply as an acceptable land use activity.
4. Reviews of land use activities within ERAs must include consideration of potential cumulative impacts due to the effects of the reviewed activity combined with the effects of current and likely future land use activities.

In general, an overall finding of a high or very high degree of impact for a land use activity, which is not reduced through alternate options or mitigation, should be cause for avoidance of that activity within an ERA. Findings of a medium level of impact should lead to caution in maintenance or expansion of any such activities within ERAs or change in the ERA designation. A finding of a low degree of impact for a land use activity should be cause for allowing that activity within an ERA.

Table 1. Criteria for Evaluation of the Acceptability of Current and Future Land Use Activities<sup>2</sup>

**Severity** – The degree of impact to the natural community(ies) that can reasonably be expected (i.e., given the continuation of the existing land use activity) based on the proposed activity, and the type of ERA, and the expected length of time of the activity. Levels of damage over both 10-year and 50-year time frames should be considered.

- Very High: The activity is likely to destroy or eliminate the natural community(ies) over some portion of its occurrence within the ERA.
- High: The activity is likely to seriously degrade the natural community(ies) over some portion of its occurrence within the ERA.
- Medium: The activity is likely to moderately degrade the natural community(ies) over some portion of its occurrence within the ERA.
- Low: The threat is likely to only slightly impair the natural community(ies) over some portion of its occurrence within the ERA.
- None: The activity is not expected to impair the natural community(ies) within the 10-or-50 year timeframe.

**Scope** – The geographic scope of impact on the natural community(ies) within the ERA that can reasonably be expected under current circumstances (i.e., given the continuation of the existing land use activity) considering the size of the ERA and the extent of impact that is expected. Consider scope of impact over both 10-year and 50-year time frames.

- Very High: The activity is likely to be widespread or pervasive in its scope and affect natural community(ies) throughout all or most its occurrences within the ERA.
- High: The activity is likely to be widespread in its scope and affect the natural community(ies) at many of its occurrences within the ERA.
- Medium: The activity is likely to be localized in its scope and affect the natural community(ies) at some of its occurrences within the ERA.
- Low: The activity is likely to be very localized in its scope and affect the natural community(ies) at a limited portion of its occurrences within the ERA.

**Irreversibility** – The degree to which the effects of an activity can be reversed and still allow achievement of desired future conditions for the natural communities within the ERA.

- Very High: The activity produces an effect that is not reversible.
- High: The activity produces an effect that is reversible, but not practically affordable.
- Medium: The activity produces an effect that is reversible with a reasonable commitment of resources.
- Low: The activity produces an effect that is easily reversible at relatively low cost.

<sup>2</sup> Evaluation criteria were adapted from The Nature Conservancy, 2007. Conservation Action Planning Handbook, Arlington, VA. 127 pp.

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